

### **DETAILED ACTION**

Applicants' response filed 06/19/2008.

The finality of the previously presented rejection 03/31/2008 as well as the Advisory action filed 07/16/2008 are withdrawn.

This office action takes into consideration the discussion with Dan Pearson, attorney for the applicant on 08/07/2008. See interview summary.

#### **Status of the claims:**

Pharmaceutical compound claims 47, 81, 83-85, 87-90, 92-94, 96-98, 101 and in vitro method claim 50 corresponding to elected Group I, elected without traverse, are under prosecution.

#### **Response to Applicants Remarks:**

##### ***Claim Rejections - 35 USC § 112***

The previously presented rejection under 35 USC § 112 is withdrawn in view of applicants remarks. Applicant is reminded that applicants' remarks page, 18, lines 7-12 pertaining to potential anti-tumor effects of the claimed compounds are not relevant at this point since the 'method of treating' claims 52 and 53 are currently not under prosecution.

***Claim Rejections - 35 USC § 103***

In view of applicants persuasive arguments and in view of the following rejection under 35 USC § 102, previously presented rejection under 35 USC § 103 is withdrawn.

***New Rejections:***

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 50 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term 'or' in line 5 renders the claim 50 ambiguous because its purpose is unclear since the formula I shown in the claim 50 is the same as the formula shown in claim 47.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

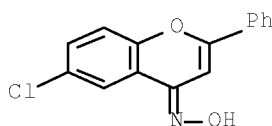
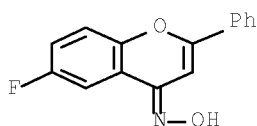
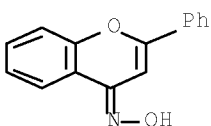
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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Claims 47, 81, 83, 87, 92, 96 are rejected under 35 U.S.C. 102(b) as being anticipated by Meshcheryakova et al *Khimiko-Farmatsevticheskii Zhurnal* (1978), 12(4), 50-4 and *Khimiko-Farmatsevticheskii Zhurnal* (1976), 10(3), 37-41.

The above references were previously presented in the previously office action as prior art not relied upon. See also interview summary.

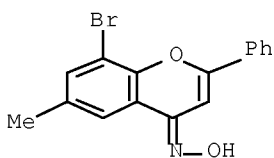
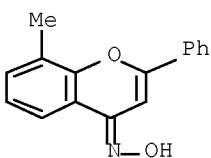
Meshcheryakova et al. teach



corresponding to compounds of the instant claims wherein m is 0 and R is H.

Claim 90, 92 is rejected under 35 U.S.C. 102(b) as being anticipated by Basinski, *Polish Journal of Chemistry* (1991), 65(9-10), 1619-32,

Basinski teaches



Compounds of the instant claim wherein R<sub>4</sub> is halogen and R is C<sub>1</sub> alkyl R is C<sub>1</sub>-alkyl.

Note: As stated in the interview summary Applicant argument that Meshcheryakova et al.s' teaching pertains to the biological activity of the oxime-ethers (and not oximes themselves as instantly claimed). This is not persuasive, because the prior art teaches

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the compounds, and the instant case claims pharmaceutical composition of the prior art compounds.

***Allowable Subject Matter***

Claims 84, 85, 88, 89, 93, 94, 97, 98, 101 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIZAL S. CHANDRAKUMAR whose telephone number is (571)272-6202. The examiner can normally be reached on 8.30 AM - 4.30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on 571 0272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nizal S. Chandrakumar

/D. Margaret Seaman/  
Primary Examiner, Art Unit 1625